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Attorneys for Plaintiff

ROYAL YATES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROYAL YATES,

Plaintiff,

v.

GUNNALLEN FINANCIAL and CURT
WILLIAMS,

Defendants.

CASE NO. C-05-01510 BZ

JOINT VOIR DIRE

Trial Date: April 10, 2006

Time: 8:30 a.m.

Courtroom: Magistrate Judge Bernard
Zimmerman

Plaintiff ROYAL YATES and Defendants GUNNALLEN FINANCIAL and CURT WILLIAMS, and their respective attorneys of record hereby submit this statement of proposed voir dire.

BACKGROUND INFORMATION

1. What is your full name?
2. Have you been known by any other name? If so, please indicate.
3. What is your age?
4. Are you married, divorced, widowed, single, or living with another adult(s)?
5. In what area do you live?

- 1 6. How long have you lived at your current address?
- 2 7. Where was your previous address?
- 3 8. Do you own or rent your own home?
- 4 9. Are you, or have you ever been, employed by securities firm? If so, in what
5 capacity?
- 6 10. Do any have any family members or close friends who ever worked for a
7 securities firm?
- 8 11. Are you currently employed, unemployed, retired, or a homemaker?
- 9 12. If you are now employed, state the name of employer and the location of
10 employment:
- 11 13. How long have you worked at your current job?
- 12 14. What is your job title?
- 13 15. Briefly describe your responsibilities at work.
- 14 16. Have you or someone you know ever filed a lawsuit or a claim involving
15 securities? If yes, please describe.
- 16 17. Have you ever owned your own business? If yes, how many employees?
- 17 18. If you have worked at your current job for less than 5 years, please name all
18 jobs using reverse order from the present back through 1990 and briefly
19 describe all duties on each job:
- 20 19. What is your highest grade of education completed?
- 21 20. If you attended college or vocational or technical school what was your major?
- 22 21. Please describe any classes you have taken since leaving school.
- 23 22. Are you a member of any trade or professional association, union, civic club,
24 religious, or other organization? If yes, please list those organizations.
- 25 23. Have you ever served in the military?
- 26 24. If yes, please state the branch, dates of service, job title, and duties:
- 27 25. What were your parents' occupations?
- 28 26. Do you have any children?
- 27 27. If so please state their name, sex, age, whether they live with you, their level
28 of education, their occupation.
- 28 28. Do you have any health problems which could affect your ability to serve on this
jury? If yes, explain.
- 29 29. Do you have any hearing difficulty?

1 30. Do you having any trouble seeing?

2 31. Do you have any current physical, medical, or emotional problems which may
3 make it difficult for you to serve as a juror?

4 **SPOUSE OR PARTNER'S BACKGROUND**

5 32. What is your spouse or partner's name?

6 33. Is she or he currently employed, unemployed, retired, or a homemaker?

7 34. If s/he is now employed, state the name of employer and the location of
8 employment:

9 35. How long have s/he worked at her or his current job?

10 36. What is his/her job title?

11 37. Does s/he supervise others?

12 38. If yes, how many?

13 39. Do s/he have the authority to hire or fire other employees?

14 40. Briefly describe his/her responsibilities at work.

15 41. What is your highest grade of education s/he completed?

16 42. If s/he attended college or vocational or technical school what was their major?

17 43. Please describe any classes s/he has taken since leaving school.

18 44. Is your partner or spouse a member of any trade or professional association,
19 union, civic club, religious, or other organization? If yes, please list those
20 organizations.

21 **FAMILIARITY WITH THE JUDICIAL SYSTEM**

22 45. Have you ever had any previous experience as a juror?

23 46. If yes, how many times?

24 47. Where they civil or criminal?

25 48. When?

26 49. Was the case submitted to the jury?

27 50. Did you participate in the deliberations?

28 51. Did the jury reach a verdict?

52. Were you ever a foreperson on any of these jury panels?

- 1 53. Have you ever testified in a trial or court proceeding?
- 2 54. Have you ever had your deposition taken?
- 3 55. Have you ever thought you might have filed a lawsuit but decided not to? If so,
4 please describe.
- 5 56. Is there anyone who thinks that anyone who files a lawsuit is entitled to an
award from a jury?
- 6 57. Is there anyone who feels they should not be on this jury for any reason?
- 7 58. Have you ever had any training or taken any courses in business
administration, economics, finance, auditing or accounting?
- 8 59. Have you ever had any training or education in law?
- 9 60. If yes, please describe what kind of training or education you have had:
- 10 61. Do you have any relative or close friends who have had training or education
11 in law?
- 12 62. Have you or any of your immediate family members ever worked in an
attorney's office?

13 **MISCELLANEOUS**

- 14 63. Yes or no, do you agree that there are too many lawsuits being filed today.
- 15 64. Do you feel that the size of money awards given in trial today is (1) too large;
16 (2) OK; or (3) too small?

17 **ABOUT THIS CASE**

- 18 65. Have you heard or read of this case before coming to court? If yes, please
19 explain.

20 **CLOSING**

- 21 66. During the trial, the attorneys will have to make objections to protect their
22 clients' rights. Will that offend or irritate anyone?
- 23 67. As a juror in this case, it will be your duty to accept the law of the case as given
24 to you by the Court and to apply the law to the facts of the case as you have
25 determined them to be, whether you agree with that law or not and whether you
26 believe it to be a fair law or not. Will you be willing and able to do this?
- 27 68. If you felt defendant, GunnAllen Financial is entitled to a verdict based on the
28 facts and evidence you are about to hear and the law Magistrate Judge Bernard

1 Zimmerman is going to give you, would you have a problem returning a verdict
2 in favor of the defendant knowing that the plaintiff would leave the courtroom
3 without a monetary award?

4 69. Do you understand that the plaintiff has the burden of proof to establish each
5 element to her claim that she is entitled to financial recovery?

6 70. Do you understand that if the plaintiff fails to prove any one element of her
7 claim, that you are to return a verdict for defendant?

8 71. Do you have any problems with the fact that just because the plaintiff has filed
9 a lawsuit and is in this courtroom, that does not mean she is entitled to any
10 recovery?

11 72. Do you understand that despite being in a courtroom with rules and laws to
12 apply that you are not only free to, but encouraged to use your common sense
13 while listening to and evaluating the evidence?


14 73. Can you agree that you will put aside whatever sympathy you may have for the
15 plaintiff, and decide this case entirely upon the facts and evidence presented?

16 74. If the evidence warrants it, will you be able to return a verdict in favor of the
17 defense?

18 75. Defense counsel, has to wait for the plaintiff's case to be finished before
19 presenting evidence supporting the defense. Will you be able to wait to hear the
20 defense case before you make up your mind about the entire case?

21 76. Is there any matter not covered by my questions that would affect your ability
22 to be a fair and impartial juror?


23 DATED: March 15, 2006 LAW OFFICES OF LAURENCE F. PADWAY

24
25
26 By: 
27 LAURENCE F. PADWAY
28 Attorneys for Plaintiff
ROYAL YATES

1 DATED: March 15, 2006

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2
3
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5 CHARLES J. MURRAY
6 Attorneys for Defendants
7 GUNNALLEN FINANCIAL and
8 CURT WILLIAMS
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